

RECEIVED

MAY 02 2013

CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Johnnie Robert Capers

Plaintiff(s),

vs.

Case No. _____
(To be assigned by Clerk of District Court)

Richard Sarette, Atty-P.D.
Ramsey County Public Defender
City of Saint Paul Police Department

Defendant(s).

**DEMAND FOR JURY
TRIAL**

YES X NO

(Enter the full name(s) of ALL plaintiffs
and defendants in this lawsuit. Please
attach additional sheets if necessary.)

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name Johnnie Robert Capers

Street Address 1276 Wilson Avenue #206 - c/o Geneva Singer

County, City Ramsey, Saint Paul

State & Zip Code Minnesota 55106

Telephone Number 651-788-9292 home or 651-354-2257 cell phone

SCANNED

MAY 02 2013

U.S. DISTRICT COURT ST. PAUL



2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name Richard Sarette, Attorney

Street Address 101 E. Fifth Street #1808

County, City Ramsey, St. Paul

State & Zip Code Minnesota 55101

b. Defendant No. 2

Name Ramsey County - Ramsey County Public Defender

Street Address 101 E. 5th St, Suite 1808

County, City Ramsey, St. Paul

State & Zip Code Minnesota 55101

c. Defendant No. 3

Name City of Saint Paul Minnesota Police Department

Street Address 367 Grove Street

County, City Ramsey, Saint Paul

State & Zip Code Minnesota 55101

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Question

☐ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

42 U.S.C. Sec. 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

U.S. CONSTITUTION SIXTH AMENDMENT DENIAL/VIOLATION

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name:

State of Citizenship:

Defendant No. 1:

State of Citizenship:

Defendant No. 2:

State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

☐ **Check here if additional sheets of paper are attached.**

6. What is the basis for venue in the District of Minnesota? (*check all that apply*)

☒ Defendant(s) reside in Minnesota

☒ Facts alleged below primarily occurred in Minnesota

G Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. Richard Sarette, Attorney/Public Defender, was appointed by a Ramsey County judge to represent me, Johnnie Robert Capers, in Ramsey County District Court on a charge of 5th Degree Possession of Drugs/Cocaine [Court File No. 62-CR-08-11429] in October 2008.
- From the day of appointment on Richard Sarette and I had a breakdown in communication and attorney-client confidence. The breakdown in communication between Richard Sarette and I progressively worsened due his failure to take my innocence seriously. I would request that Richard Sarette file legal documents on my behalf only to be ignored by him. On the day trial was to commence Richard Sarette informed me that he had neglected to file a motion to suppress and other necessary legal motions vital to my defense that would show the court why the charge(s) against me should be legally dismissed. Upon being informed of this negligence by Richard Sarette I promptly informed the trial judge, Salvadore Rosas, of what Attorney Richard Sarette had failed to do on my behalf and requested a reasonable delay in proceedings to secure effective assistance of counsel. The judge, Salvadore Rosas, made query of the breakdown in communication and attorney-client confidence with Richard Sarette and Richard validated the facts I asserted. Nonetheless, the judge would not permit me time to secure other legal representation but instead issued me admonition and the choice of representing myself (Pro se) or continuing with appointed counsel Richard Sarette either way trial would commence as scheduled that day. Ironically, judge Rosas, "VACATED" the conviction 2 years later due to "Ineffective Assistance of Counsel" citing Richard Sarette as

ineffective and falling far below the bar of effective legal counsel. The ruling states there would likely never have been a trial had Richard Sarette performed the duties I requested which he knew to be fundamental rules of pre-trial court procedure in criminal cases. I lost 19 precious months of my life due to Richard Sarette's arrogance, incompetence and borderline bigotry.

8. Ramsey County Public Defender employs Richard Sarette as an Assistant Ramsey County Public Defender. However, I, Johnnie R. Capers, would never have come in contact with Richard Sarette and become a victim of his legal incompetence were it not by the hand of the Ramsey County Public Defender. The Ramsey County Public Defender, an agent of Ramsey County, Minnesota, consciously employs Richard Sarette putting indigent individuals in harm's way via Richard Sarette's legal incompetence.
9. The City of Saint Paul Minnesota Police Department placed a "NARCOTICS HOLD" on my 1996 Mercury Villager mini-van after drugs were allegedly found in a Saint Paul Police car in which I, Johnnie R. Capers, had been detained in by Saint Paul Police Officer Christopher Seehuetter for the minor traffic offense of speeding. I had recently purchased the vehicle I was driving and had yet to transfer the title which caused a slight problem when I went to the City of Saint Paul Barge Channel Impound Lot on August 27, 2008 to retrieve my vehicle. My vehicle registration caused a problem that we solved at which time I was informed that the Saint Paul Police Narcotics Squad had a "Narcotics Hold" on my vehicle. The narcotics hold placed on my vehicle by the Saint Paul Police Department Narcotic Squad drove the towing and impound fees on my vehicle up to over \$480.00. In September 2008 I paid more than \$480.00 to the city of Saint Paul at the Barge Channel Impound Lot to regain possession of my vehicle. Saint Paul Police Narcotics Division should never have placed a hold on my

vehicle because narcotics were not found on me or in my vehicle. I was put in the rear of a
patrol car for violating the speed limit. Placing me, or any motorist, in the locked rear seat of
a squad car for a minor speed limit violation is a major civil rights violation [State v.
Askerooth, 681 N. W.2d 353, 365-66 (Minn. 2004)]. More than \$480.00 in cash and 19
months of my life and freedom were taken from me, Johnnie R. Capers, by City of Saint
Paul Minnesota Police Department via being unconstitutionally detained in the locked rear
seat of a Saint Paul Police car for speeding and an illegal Saint Paul Police narcotics hold
designed to forfeit my ownership of my vehicle due economic challenge placed upon me by
the "Narcotics Hold." Being unconstitutionally confined by Saint Paul Police Officer
Christopher Seehuetter for the minor traffic offense of speeding and then charged with Fifth
Degree Drug Possession by City of Saint Paul Police as a result of the illegal confinement set
in motion all other unconstitutional sanctions visited upon the person of Johnnie R. Capers
culminating in a loss to him of 19 months of liberty, freedom, and pursuit of happiness.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

I want the court to require the State of Minnesota to refund to me every dime I spent for towing
and impound fees, MN DOC Work Release rent, and all Ramsey County Justice Center booking
fees associated with Second Judicial District Court File No. 62-CR-08-11429. Additionally, I

want Richard Sarette, The Ramsey County Public Defender, and City of Saint Paul Minnesota
Police Department to equally share in compensating me, Johnnie R. Capers, the sum of \$190.00
per day for every day spent incarcerated for, or under parole supervision for criminal culpability
to, Second Judicial District Court File No. 62-CR-08-11429.

Date: May 1, 2013

Signature of Plaintiff

Johnnie R. Capers

Mailing Address

1276 Wilson Avenue

206 - c/o Geneva Singer

Saint Paul, MN 55106

Telephone Number

651-788-9292

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.